IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc.Application No. 857 of 2005

1. Daljeet Singh s/o Sri Sham Sher Singh
   R/o 10,Saharanpur Road,Dehradun.
2. Sham Sher Singh s/o Late Shri Partap Singh
   R/o Saharanpur Road,Dehradun
3 Monu s/o Shri Daljeet Singh
   R/o Saharanpur Road, Dehradun
4 Harry, so Shri Daljeet Singh
   R/o Saharanpur Road, Dehradun
5 Neetu,s/o Om Prakash
   15,Saharanpur Road,Dehradun. Applicants.

Versus

1 State of Uttaranchal
2 Ajmer Singh s/o Late Shri Pratap Singh
   R/o Kohinoor Kothi,Char Khambha.
   Clamentown,Dehradun. Opposite parties

Hon'ble B.C.Kandpal, J

By way of this petition under Section 482 Cr.P.C., the petitioners have prayed for quashing the orders dated 9.11.2005 passed by Special Judicial Magistrate –II ,Dehradun in Criminal Case No 2764 of 2003 Ajmer Singh vs Shamsher and others.

Heard learned counsel for the petitioners, learned AGA and perused the record.

Record shows that I had passed an order in earlier petition No. 301 of 2004 Ajmer Singh vs State of Uttaranchal and others on 25.10.2005. While deciding the application I issued directions to the opposite party Nos.2 to 7 (who are the petitioners in the present case) to move bail application before the court below and the court concerned shall decide the same in accordance with law.

The learned counsel for the petitioners (Daljeet Singh and others) has filed Supplementary Affidavit in this case and has annexed

copy of application as well as copy of the order dated 6.1.2004 passed by Special Magistrate 2nd, Dehradun.

Perusal of the application and the order dated 6.1.2004 shows that the same does not extend any help to the petitioners at this stage.

I do not find any substance in the arguments advanced by the learned counsel for the petitioners.

I also do not find any abuse of process of court.

The petition lacks merit and is liable to be dismissed.

Accordingly the petition is dismissed.

However, in case, if the petitioners apply for bail before the court below, the same should be disposed of expeditiously as early as possible by the court concerned in accordance with law.

(B.C. Kandpal, J)

8.12.2005

nbj